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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICETo: Mail Stop Non-Fee Amendment, Commissioner for Patents

From: Marty Cox

In Re U.S. Patent Application )

Applicant: Cox et al. )

Serial No. 10/775,746 )

Filed: February 10, 2004 )

For: METHOD FOR CUSTOMIZING )  
A BURIAL VAULT CARAPACE )

Pages (including this sheet) 6

## Certificate of Facsimile Transmission

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October 11, 2005

Date

  
Marty Cox

## Enclosures

- (1) Declaration of Marty Cox; and
- (2) Certificate of Facsimile Transmission.

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OCT 11 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Inventor(s):</b> Cox et al.	<b>Examiner:</b> William Miller
<b>Appln. No.:</b> 10/775,746	<b>Group Art Unit:</b> 3677
<b>Filing Date:</b> February 10, 2004	<b>Docket No.</b> Cox-1
<b>Title:</b> <i>METHOD FOR CUSTOMIZING A BURIAL VAULT CARAPACE</i>	

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Alexandria, VA 22313-1450

I CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE  
U.S. PATENT AND TRADEMARK OFFICE (FAX NO. (571) 273-8300), ON  
SEPTEMBER 28, 2005.

TYPED OR PRINTED NAME OF PERSON SIGNING THIS CERTIFICATE:  
Marty Cox

MARTY COX**Declaration of Marty Cox**

I, Marty Cox, am one of the named inventors. We respectfully disagree with the Examiner's assertion that it would have been obvious to modify a carapace as disclosed by the Pazar reference (U.S. Publication 2003/0167706) to incorporate aspects of the Takemoto patent (U.S. 4,219,596). Our invention has addressed a long-felt but unmet need in the marketplace. Thus far this year we have sold over 4000 units of a kit embodying the claimed invention. In fact demand for our invention continues to grow. As further evidence of the interest generated by our invention we enclose a Newsweek article published in February 21, 2005, Wilbert Updater published Fall 2005 regarding our invention (attached).

All of the statements herein are based on information and belief, and are believed to be true.

AN 10/775,746

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I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 USC 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,



Marty Cox  
415 E. Dixon St.  
Polo, IL 61064

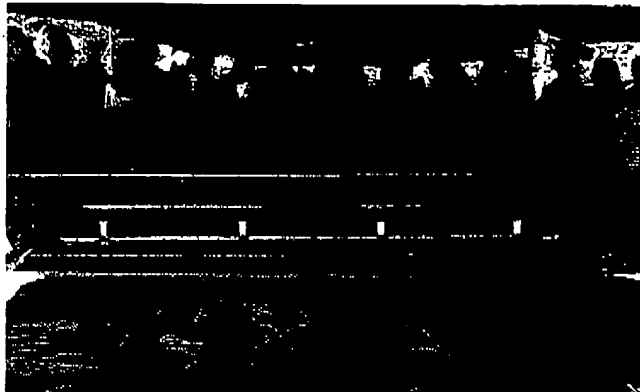
# Periscope

## VAULT ART

### The View From the Beyond

**M**ARINE CPL. SHANE Kielion, 23, died in Fallujah last Nov. 15—hours after his wife gave birth to their first son. At a graveside service in Omaha, Neb., nine days later, mourners gathered around Kielion's burial vault to admire images adorning the lid: the statue of Saddam Hussein toppling, tanks storming the desert, an Iraqi girl waving an American flag.

Customizing burial vaults, the boxes that protect a casket after interment, has become a popular way to pay tribute to fallen veterans. Ray Simon of



**STYLISH DEPARTURES:** Decorated burial vaults capture the memories

Youngstown, Ohio, began designing images two years ago and has since completed more than 500 orders. "Memorials are no longer just for presidents. They are being presented to your hometown heroes," says Simon, whose paintings honor vets of WWII, Korea, Vietnam and Iraq, and firefighters and police who lost

their lives on 9/11. The original paintings are made into prints, affixed to a thin layer of transparent vinyl and attached to the vaults. Because the images are buried along with the deceased, Simon sends families 16-by-20-inch replicas. Good thing. Roger Kielion, Shane's father, says, "It's a shame they had to cover it up." —WILLIAM LEE ADAMS

## SURGERY

### A Taxing Procedure

**T**AKING BREAST implants is the latest tool states are using to augment their revenues. New Jersey pioneered the idea in September, when it became the first state to levy a 6 percent tax on elective cosmetic procedures, such as liposuction and face-lifts. Now similar taxes are up for debate in Washington and Illinois, and other states are said to be considering cosmetic-surgery tax legislation.

Botox and breast implants make an easy target for cash-



**FACE-OFF:** States want new taxes

strapped states like Washington, which faces a deficit of roughly \$2 billion. After all, the American Society of Plastic Surgeons reports that in 2003, Americans spent \$8.4 billion on cosmetic procedures. Doctors and medical groups oppose the taxes, saying they discriminate against women, who made up 86 percent of those getting procedures in 2003. But Washington state Sen. Karen Keiser, who notes that revenues from her state's tax would go to health services for children, says it might even give the industry a lift. "[It's] a little incentive to get something done," she says. It's for the kids, after all. —KAREN SPRINGER

## SKIERS Cross-Country Crosses Over

**W**hen does a sport officially go "extreme"? One sign: when parents are frightened by their kids' participation. "He hasn't hurt himself yet," says David Newell about Andrew, his son. "I've got my fingers crossed." David does have some reason to worry, even though Andrew is a star in the world of extreme cross-country skiing. Inspired by the acrobatics of snowboarders and skiers, young Nordic skiers are taking to the air themselves. In Nordic races, popular in Europe, competitors start en masse and fly down a winding course. Races are full-on stunts. "We're trying to remake the image of cross-country," says Colin Bell, organizer of North America's first big "Nordic skier cross" event in Calgary on April 2. He's not the only one. In the past few years, at least 15 U.S. cross-country ski-touring centers have built terrain parks.

—PAUL TOOMEY



**NO SLUMP AT THIS SLOPE:** Utah's Junior Olympic Qualifier

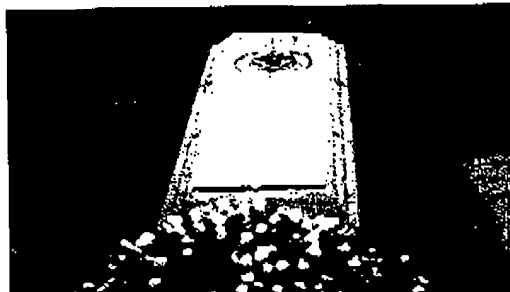
## Oldcastle-Wilbert Helps Memorialize Federal Agent David Wilhelm

Oldcastle-Wilbert (Greensboro, North Carolina) assisted Lyrly Funeral Home (Salisbury, North Carolina) in preparing the March 17, 2005 memorial for slain federal agent David Wilhelm at Rowan Memorial Park (also in Salisbury).

Mr. Wilhelm was believed to be a victim of Brian Nichols, the alleged shooter of a judge and two others at the Atlanta courthouse. Mr. Wilhelm had been found shot to death in his unfinished Atlanta home shortly after Nichols escaped from the courthouse earlier the same day.

When arranging Mr. Wilhelm's service, Funeral Director Brent Lyrly asked Oldcastle-Wilbert's Bill Norton that the memorial be distinctive. They agreed on a Stainless Steel Triune® burial vault painted in a bronze color to match the pecan-colored casket.

For the carapace, Mr. Lyrly and another federal special agent determined that the U.S. Department of Homeland Security logo would be most appropriate for Mr. Wilhelm's tribute. Oldcastle-Wilbert's Vivian Beal then diligently reconstructed a picture of the logo to adapt to Wilbert's Life's Reflections® program; she also detailed four framed miniature carapaces for Mr. Wilhelm's wife, his parents, and one each for the Homeland Security offices in Atlanta and Charlotte.



David Wilhelm's Stainless Steel Triune burial vault featured the U.S. Department of Homeland Security logo on the carapace.

At the service, Customer Service Representative Willie Davis set up three tents: one for a military-style graveside tribute and two for family and friends. More than 1,000 people attended the service.

Mr. Norton and the Oldcastle-Wilbert staff displayed the vault carapace on the walkway so all attendees could view it. After the service—which included a 21-gun salute—many federal agents expressed their awe of the memorial's precise personalization and the speed with which the cover was made.

"I commend Bill Norton and his staff for a job well done," said Funeral Director Lyrly. "This service showed that Wilbert is prepared to honor members of law enforcement with fitting tributes."

## Washington State Licensee Receives Regional Award for Excellence

Wilbert Precast, Inc. (Spokane, Washington) received the Agora Award for the medium-size business category during the Spokane Regional Chamber of Commerce annual awards ceremony on June 1.

The Agora Awards represent the Spokane area's highest distinction for business excellence and inspired entrepreneurship that help make the city "a vibrant business and cultural center."

Wilbert Precast manufactures precast concrete products and distributes them to the Inland Northwest, including Washington and Oregon. The company also delivers precast concrete products as far north and south as Canada and Hawaii. It was chosen for the Agora Award

because of its 100 years of innovative production, positive employee relations, and commitment to the community.

When it was founded in 1906, Wilbert Precast focused primarily on making burial vaults. Now, under fourth-generation manager Dan Houk, the company is much more diversified with additional plants in Yakima, Washington and Lewiston, Idaho. It has grown rapidly during the last two years as Houk has emphasized advancing the company's production and technology capabilities.

The Spokane facility is also certified by the National Precast Concrete Association for high standards of quality production, safety, and information management.

## "The Moving Wall" Continues 2005 Tour of the U.S.

One of the two structures of the Veterans Administration "Moving Wall" recently stopped in Texas and Oklahoma during its current tour of the United States. The two structures travel between April and November yearly and spend a week at each site.

"The Moving Wall" is a half-size replica of the Vietnam Veterans Memorial in Washington, D.C. Built by volunteers including Vietnam veterans, the wall allows Americans who have not traveled or cannot travel to Washington to view the memorial and reflect on what it represents.

For the stop in Oklahoma, Wilbert and Suhor Industries, Inc. donated a Veteran Triune® burial vault with artist Ray Simon's "Heroes of Vietnam" portrait from the Life's Reflections® program on the carapace. Now buried near a war memorial in Del City, Oklahoma, the vault serves as a time capsule to store memorabilia that was placed either in the vault or at the base of the wall.

Wilbert and Suhor Industries also donated a Veteran Triune vault for the exhibit in Texas.



"The Moving Wall" exhibit in Oklahoma included a donated Veteran Triune burial vault with Ray Simon's "Heroes of Vietnam" print on the carapace.

From the Field continues on next page

# Conveying the Value of Vaults in Canada:

## Solutions Display Educates Families, Increases Sales at Toronto Funeral Home

James Munroe of R.S. Kane Funeral Home in Toronto believes in the Wilbert Vault Solutions Display system.

"We've had more burial vault sales since we attended the Solutions seminar a few months ago and then started using the materials," he said.

With 17 licensed funeral directors divided among pre-need, at-need, and body care/preparation roles, R.S. Kane serves an average of 1,100 families each year. Because of this volume, the Vault Solutions Display has become a pivotal component for pre-need discussions and particularly for the more delicate at-need meetings with clients.

"The Solutions Display's main poster graphic clearly portrays the value of a vault, both what it does and why it is important," said Munroe. "You can talk until you're blue, but showing a visual conveys the reality of how much damage can occur to an unprotected casket over time."

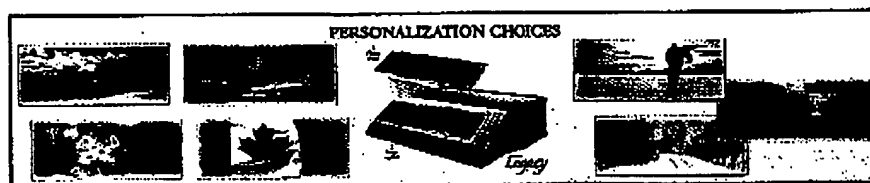
As one of R.S. Kane's three at-need arranging directors, Munroe has studied how families respond to the new display materials during a stressful time when they are distracted. The visuals help them grasp a vault's purpose where words have often failed.

And Munroe should know what works and what doesn't. His wide-ranging funeral service experiences have taught him well how families cope and react when facing events as sensitive as the loss of a loved one.

He is a second-generation member of the funeral profession and a licensed funeral director of six years. Although he remembers visiting his father's funeral home as a boy, he wasn't fully aware what took place there. He later performed odd jobs as a runner and driver and gradually worked more closely with his father and others at the firm.



**James Munroe**  
Funeral Director  
R.S. Kane Funeral Home  
Toronto, Ontario, Canada



"I've been around funeral service all my life," he said. "For a while, I thought I wanted to be a criminologist and had even been accepted to study it. Then I woke up one day and knew I wanted to be a funeral director."

This sense of calling pervades everything Munroe does at R.S. Kane.

"You have to love what you do if you are going to serve in this business," he said. "My job is not to sell our products, but to educate families on how those products can benefit them. The more tools you have to explain different choices, such as that between a lined and an unlined vault, the more you can help a family."

"Our Vault Solutions materials are presented prominently at the center of our casket display. We've also had our primary poster enlarged and framed. The system helps tie the entire burial concept together in a real way for our clients."

Munroe plans to begin implementing the Cremation Solutions Display as well.

"You can talk until you're blue, but showing a visual conveys the reality of how much damage can occur to an unprotected casket over time."

"The seminar sponsored by Century Concrete Products of Toronto was amazing," he said. "It motivated us to evaluate our current displays. We will definitely include some of the ideas presented for urns and urn vaults in the months ahead."

Munroe views the Vault Solutions Display as welcome support in his mission to care for all families who reach out to R.S. Kane in their hours of need.

"I encourage other funeral professionals to use the Solutions system as we will continue to do," he said.

"I'd also say the most useful and satisfying part of the Solutions training for us was the seminar. The next time Wilbert provides a similar seminar in the Toronto area, I'll be the first in line for a refresher!" □